UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1994/SR.12
11 February 1994

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 12th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 8 February 1994, at 10 a.m.

Chairman: Mr. Van WULFFTEN PALTHE (Netherlands)
later: Mr. NEAGU (Romania)

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GE.94-10808 (E)

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Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development:

(a) Popular participation in its various forms as an important factor in development and in the full realization of all human rights

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The meeting was called to order at 10.10 a.m.

STATEMENT BY THE MINISTER OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

1. The CHAIRMAN invited the Minister of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland to address the Commission.

2. Mr. HOGG (United Kingdom), said that the Universal Declaration of Human Rights had fundamentally changed the way in which human rights questions were addressed, by asserting the new and vital principle that the international community had a shared responsibility to promote respect for human rights and to ensure the universal application of the principles it contained. The Declaration denied Governments the excuse that comment on internal repression constituted "interference", although there were still some quarters which asserted that idea.

3. The duties and obligations of Governments had been elaborated in the two International Covenants on Human Rights and other important legal instruments and their universal application, which some Governments had sought in the past to deny, had been confirmed at the World Conference on Human Rights. If a person was beaten by a policeman or imprisoned without trial, the humiliation was the same in Europe, Africa, Asia or America. Such acts were wrong wherever they occurred and should be of universal concern.

4. There were three principles that would help stop them from happening: accountability - being able to ask difficult questions and hold a Government to account for the answers; the rule of law - which prevented bullying by bureaucracy and resort to tyranny wherever it existed; and the free exchange of knowledge - the touchstone of all the freedoms to which the United Nations was consecrated. A large number of non-governmental organizations (NGOs) had gone to Vienna to demand that those principles be respected. As the articulate representatives of world opinion, they must be heeded by the representatives of Governments.

5. The World Conference had begun the process which had led to the appointment of a High Commissioner for Human Rights, a remarkable achievement with which his Government was proud to have been associated. The task facing the High Commissioner was an awesome one and the United Kingdom Government, which had every confidence in the first appointee, would help him in every possible way. His appointment was not a panacea for all human rights ills, but a great step forward had been taken and it was to be hoped that all countries would adopt a positive attitude to his work.

6. In spite of the success of the World Conference, human rights were still being abused far too often and in far too many places. In that connection, the Vienna Declaration and Programme of Action gave special prominence to freedom from torture, emphasizing that it was a right which must be protected under all circumstances. The latest report of the Special Rapporteur on questions relevant to torture (E/CN.4/1994/31) revealed alleged systematic torture in a disturbing number of countries. No region was entirely free from that scourge. Governments which committed or tolerated it were simply encouraging disrespect for the law by the people. To do so could not be in anyone's interest.

7. It was clear from the report that the two main things facilitating torture were prolonged incommunicado detention and impunity for the guilty, and Governments must act to eradicate those evils if their rejection of torture was to be credible. He urged all Governments to cooperate with the Special Rapporteur and the Committee against Torture in the international effort to eliminate these practices. Practical measures to alleviate the suffering of torture victims was also important in which connection he was pleased to announce an increased contribution of £35,000 by his Government to the United Nations Voluntary Fund for Victims of Torture.

8. Children were one of the most vulnerable groups in any society and the Commission was, very appropriately, devoting much time to their rights. Street children were a particular concern and their most fundamental right, the right to life, was often threatened by violence. The conditions in which they lived usually led them to crime, drug abuse and prostitution, after which, without help, there was no way out for them. His Government contributed to projects working with street children throughout the world and welcomed the efforts made by many other Governments. It had taken the lead in sponsoring resolutions on the issue of street children and was pleased by the consensus they had achieved in both the Commission and the General Assembly.

9. Another particularly vulnerable group were the children of broken homes. Where the relationship between parents broke down, their children inevitably suffered. In the worst cases, a parent unlawfully abducted a child and, without any legal mechanism to resolve such cases quickly, the parent from whom the children had been abducted, and even the courts, might be helpless. Those problems could be solved through the two International Conventions on Child Abduction, but the majority of countries had not ratified them. Encouraging universal adherence to the Hague and European Conventions on Child Abduction was thus a primary objective for his Government.

10. The Vienna Declaration and Programme of Action gave welcome prominence to the equal status and human rights of women. His Government supported efforts to integrate those issues into the mainstream of United Nations human rights activities. One aspect in particular - violence against women - was of growing international concern, as witnessed by the General Assembly adoption in 1993 of a Declaration on the subject. The Commission should appoint a special rapporteur to give teeth to the Declaration and to carry through its objectives.

11. Recent attempts to introduce extraneous political elements into United Nations human rights activities could undermine the Organization's ability to help the victims of abuse, and that must not be allowed to happen. The work of the international community to promote respect for human rights would be judged by the extent to which it held firmly to two principles: judgements had to be made freely and fairly and on the basis of fact, and action had to be taken not to meet political convenience but to secure the maximum protection for current and future victims of abuse.

12. Mr. Neagu (Romania) took the Chair.

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 5) (continued) (E/CN.4/1994/15; A/48/525)

ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME IN SOUTH AFRICA (agenda item 6) (continued) (E/CN.4/1994/16; E/CN.4/Sub.2/1993/11 and Add.1)

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 14) (continued) (E/CN.4/1994/63, 64 and 66; A/48/423)

13. Mr. BEBARS (Observer for Egypt) said that South Africa had been undergoing positive developments which constituted a turning point on the road to the democratization of that country. The democratic elections to be held on 27 April 1994, the establishment of the Transitional Executive Council (TEC) and the formulation of an interim constitution were measures designed to ensure South Africa's transition to a democratic and non-racial State. The international community was concerned, however, at the continued existence of obstacles to the transition, and appealed to all parties in South Africa to avoid acts of violence and to respect human rights. It stressed the need for the participation of all sectors of the population.

14. His delegation paid tribute to the work of the Ad Hoc Working Group of Experts on southern Africa and of the Special Rapporteur on the transition to democracy in South Africa. In her report (E/CN.4/Sub.2/1993/11 and Add.1) the Special Rapporteur stressed the need for the international community to remain vigilant and to support the people of South Africa in the transition period, which might well be difficult in view of the widespread acts of violence. His delegation fully agreed and thus welcomed the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, including the creation of United Nations machinery to provide all necessary assistance to the parties concerned with a view to putting a definite end to apartheid in South Africa.

15. His delegation deplored the negative developments taking place elsewhere in the world and emphasized that the international community must continue its efforts to bring about the total eradication of racial discrimination, particularly by implementing the Programme of Action for the Third Decade, with special attention to the events of the former Yugoslavia.

16. All countries must do everything in their power to end the horrible practice of ethic cleansing and to enable all those who had suffered to institute legal proceedings against the persons responsible. In particular, everything possible should be done to bring the guilty parties before an international court. The arms embargo on the people of Bosnia should be lifted so that they could defend themselves in accordance with the provisions of Article 51 of the Charter.

17. Mr. AKTAN (Observer for Turkey) said that racism, racial discrimination and racial violence were perhaps the most frequent form of human rights violations. They were to be found in some parts of the world and not in others and did not occur everywhere in varying degrees. The recent new manifestations of racism had emerged mainly in developed countries.

18. There were fundamental differences between racial discrimination and ethnic discrimination. Turkey did not wish to become a party to the International Convention on the Elimination of All Forms of Racial Discrimination precisely because it confused different types of discrimination. Ethnic cleansing, for instance, had nothing to do with racism. It was an attempt to seize land by killing or deporting its occupiers, an inhuman and genocidal action but not a motiveless one. The most important criterion of racism was the innocence of the victim, who was targeted because of his or her physical traits. Racism was motiveless, whatever the specious arguments to the contrary. Economic problems contributed to a resurgence of racism, but only if a racist mechanism already existed.

19. The fact that there were fewer racist incidents if there was a decline in the number of foreigners or asylum seekers was not a real cure. The racists would simply look for new targets which might be the peoples of neighbouring countries, members of a different religion or civilization.

20. Racism was a mechanism of projecting one's own evil on to a target in order to relieve oneself of a deep sense of guilt. The return of his own guilt was felt as extremely dangerous by the racist who then tried to exterminate or expel the target group. Racist acts were committed mainly by individuals and groups, not by States, so racism as such did not conform to the traditional definition of the violation of human rights. However, it adversely affected friendly relations between peoples and countries. General Assembly resolutions on racism regarded racist acts as grave violations of human rights, regardless of their source.

21. What was important to the victim was the violation of his or her human rights, rather than the source of the violation, and the international community increasingly condemned the authors of such violations whoever they might be. That was particularly important in racism, where it was usually a section of the majority that committed racist acts against a minority. The eradication of racism was imperative for other than human rights reasons also, since racially tainted attitudes might lead to undesirable consequences in other fields. There was also a danger of the extension of tit-for-tat racism to the countries of the victims.

22. It was no coincidence that religious fundamentalism, ethno-nationalist terrorism and racism were experiencing a simultaneous revival. All were based on an exclusive approach to identity. Nevertheless, many human rights circles and public opinion under their influence supported ethno-nationalists while making fundamentalists a new enemy image totally unaware that they were involved in a more subtle form of racism.

23. Mr. VALENZUELA (Observer for Spain) said that his Government attached great importance to the issue of racism, racial discrimination, xenophobia and related intolerance and fully endorsed the statement of the European Union in that regard. The principle of equality was embodied in a number of United Nations institutions and instruments, including the declaration of the Third Decade to Combat Racism and Racial Discrimination (General Assembly resolution 48/91), the Committee on the Elimination of Racial Discrimination (CERD) and the newly appointed Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance whom his delegation strongly supported.

24. While his delegation welcomed the historic dismantling of the apartheid regime, it was alarmed at the resurgence of racism and xenophobia in various parts of the world, including some of the oldest European democracies. Spain had not escaped a few such isolated incidents, the perpetrators of which had already been tried and sentenced or were in the process of being tried. The new Spanish Criminal Code would make racist or xenophobic motives an aggravating factor in all criminal acts.

25. Plurality and diversity, which were essential components of the European identity, should enrich political and social life, not lead to exclusion or violence. Having seen that extreme intolerance could lead to armed conflict or even grave crimes against humanity, the international community must reaffirm the principle of equality as a fundamental value of society. Education had a crucial role to play in fostering non-discrimination, intercultural understanding and tolerance.

26. The World Conference on Human Rights had made the elimination of racism and racial discrimination a priority task for the international community (A/CONF.157/23, para. 15) and appealed to Governments to formulate policies and adopt measures to that end. That appeal was more relevant than ever.

27. Mr. SKEWEYIYA (African National Congress) said that the adoption of the draft interim constitution had both demonstrated the need for cooperation in the negotiation process and alerted the world to the activities of right-wing South African parties and the danger of civil war. The ANC appealed to Western Governments in close contact with those parties, particularly the Inkatha Freedom Party (IFP), to steer them away from the course of violence and secession and encourage them to participate in the April elections.

28. The Commission should endeavour to persuade those elements, particularly IFP and the Bophuthatswana and Ciskei governments, to permit unrestricted political activity in the areas under their control. In KwaZulu, which was controlled by the IFP, the ANC still had to operate underground and the situation in Bophuthatswana and Ciskei, was much the same. The violence that had claimed thousands of lives in the past year was largely attributable to such restrictions on political activity and the involvement of the security forces both in the so-called "homelands" and in South Africa proper. High unemployment, inadequate housing and the lack of basic services, brought on by apartheid policies, coupled with the easy availability of firearms, had also contributed to the violence.

29. The blame lay with the De Klerk administration, which, for political reasons, had deliberately failed to protect the life and property of ordinary black South Africans. The implication of the South African security forces in the violence proved that they were acting at the behest of the administration.

30. The South African people were none the less looking forward to their first wholly democratic elections. To ensure, however, that a democratically elected Government was established in South Africa, the missions of the United Nations, the Organization of African Unity, the European Union and the Commonwealth must be strengthened in both numbers and resources. Those missions, which had been effective in curbing violence, should be stationed throughout South Africa, particularly in the Western Transvaal, the Pretoria-Witwatersrand-Vereniging (PWV) area, the Orange Free State, rural KwaZulu (Natal) and the Western Cape. NGO activities must also be strengthened.

31. The ANC called on the Commission to keep the South African issue on its agenda. The establishment of the Transitional Executive Council (TEC), though a triumph, was not the remedy for all South African problems. The forces of apartheid would still be in control of the security forces and the civil service after the April elections.

32. The United Nations should provide assistance for the election process and strengthen the Independent Electoral Commission and the TEC. It could also sponsor research to expose those forces, particularly in Europe and the United States, which were aiding and abetting right-wing violence.

33. Mr. LITTMAN (International Fellowship of Reconciliation) said there was a pressing need for increased educational programmes to promote respect and tolerance in the contemporary world. Violence linked to hatred and prejudice occurred everywhere - not just in a few places. In his preliminary report (E/CN.4/1994/66), the new Special Rapporteur on contemporary forms of racism had ruled out any approach which permitted selectivity or exceptions.

34. India and Pakistan provided two examples of discrimination in Asia. In India, there were still about 100 million "untouchables" under the caste system, despite legislation to eliminate it. In Pakistan and certain other Islamic countries, the policy of "separation" was tantamount to apartheid. That situation was highlighted in a letter which had appeared in an English-language Pakistani newspaper, The Frontier Post, in December 1993. The writer referred to the traditionalist division of the world - firstly, into Muslims and non-Muslims and, secondly, into dar-al-Islam and dar-al-Harb (the regions of Islam and the regions of war), and justified all kinds of violent and murderous acts thereby. His organization would make that letter available to the Commission and hoped that the Pakistani delegation would declare it to be a misinterpretation of Islamic law and refuse to endorse it.

35. The former ban in the United Nations on including the word "anti-Semitism" in lists of racist, discriminatory, intolerant and xenophobic trends had been lifted by the Secretary-General, following the annulment of the General Assembly resolution equating zionism with racism - a resolution which had stimulated the spread of anti-Semitism under United Nations auspices. However, anti-Semitism, which was resurgent, should be explicitly addressed in resolutions of the Commission and other United Nations bodies. Unfortunately,

the word had not been included in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, despite his organization's requests at the third and fourth sessions of the Preparatory Committee for the Conference.

36. Myths that served political purposes were usually spread in specific contexts but sometimes took on a life of their own. The oldest of such myths was the "blood libel", according to which Jews abducted and slaughtered a non-Jewish person to extract his blood for ritual purposes. That myth was still believed in certain Middle Eastern countries and had even been mentioned in United Nations forums.

37. The most widespread conspiracy myth, however, was that contained in the forged document entitled The Protocols of the Learned Elders of Zion, which had recently been comprehensively analysed. That document had inspired Hitler's anti-Semitism and paved the way for the Second World War. Since 1979, the Islamic Republic of Iran had regularly serialized The Protocols and, in 1988, had displayed them on a stand at the Geneva International Book Fair until they were removed by order of a Geneva court. The Protocols had also been serialized in Algeria. In the same context, the portrayal of Jews as "enemies of humanity" in Saudi Arabian school textbooks was totally unacceptable.

38. There had recently been a recrudescence of anti-Semitism in Europe and, in the United States of America, a crude anti-Semitic speech by the spokesman of the "Nation of Islam" had attracted much attention. A recent article in the International Herald Tribune, had denounced that organization's hatred of whites, Asians, Jews and Catholics, and its attacks against African Americans who opposed it.

39. Conspiracy theories and hatred could be checked by realism and a knowledge of history. Special efforts must be made to monitor manifestations of such ideologies in all parts of the world and remedial measures must be taken. Widespread action must be taken at the international level in order to eliminate anti-Semitism, which showed no signs of abating.

40. Ms. SPALDING (International Association of Educators for World Peace) said that an economic attack on human rights education was a direct attack on human rights. She was thus concerned at the words "should resources be made available to implement them" in paragraph 2 of the introduction to the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (E/CN.4/1994/63). Resources must be made available even if ingenuity and non-traditional methods were required to secure them. Her organization thus proposed forging new partners for action for the implementation of the Programme of Action through innovative types of joint ventures.

41. It applauded the implicit commitment in paragraphs 13, 14, 17 and 18 (d) of the Programme of Action to abandon what the Commission's previous Chairman had called "mistrust" of the media, the business world and non-governmental organizations (NGOs). The Centre for Human Rights and the NGOs must become partners for action. Her organization suggested, therefore, that one morning of the Commission's session be set aside for meetings of small task-oriented

groups made up of Commission members, other government delegates, members of the staff of the Centre for Human Rights and NGOs. One of the groups should focus on practical issues, such as giving NGOs access to the elementary tool of working implementation budgets.

42. Skilled in creative fund-raising as they were, NGOs could share their expertise and introduce professional fund-raising organizations to the United Nations. Under agenda item 11 (a), for example, it would be possible to discuss the NGO-designed "living budget" method as well as joint ventures, joint fund-raising projects and in-kind or financial contributions that could be made within the United Nations system.

43. If NGOs were included in the budgetary process, they could be effective partners for action in reducing the costs of travel and accommodation, educational or public information materials, telecommunications and the production of mass media materials such as radio and television public service announcements, music and videos. NGOs also had experience in working with the business community, whose advertising had often come to reflect the principles they espoused, amounting to free publicity.

44. As for paragraphs 13, 14 and 22 of the Programme of Action, artists' participation should be centrally organized, perhaps as part of the Ambassadors from the Arts programme. Referring to paragraph 14, she stressed that it was not sufficient to "consider" the use of documentary films and reports and radio broadcasts; funding for that purpose must be included in the budgets. Moreover, free local cable systems and satellite airtime were currently under-utilized. She had yet to see or hear even one free public service announcement about the United Nations. Her organization was currently working with television networks and wished to commend music and videos made by and for young people, such as those of United Children. Through NGO joint ventures, the Organization, too, should become a full partner with the professional media. To that end, the Commission might bestow a Mass Media Award annually or request Governments to include a human rights category in their national arts awards ceremonies.

45. Referring to paragraph 22 of the Programme of Action, which she strongly supported, she recalled that United Nations journalists had helped colleagues with disabilities or those serving them to become accredited to cover the work of the United Nations Office at Geneva. One, the publisher of an award-winning national newspaper who was herself deaf, had given the Commission full coverage and two members of the original team were attending, as journalists, the Commission's current session.

46. NGOs also had a major role to play in schools (paras. 17 and 18). Groups such as "Cities in Schools" and United Children produced excellent materials and were also willing to contribute some of the resources they generated to human rights work through joint ventures or direct profit-sharing in voluntary funds. Universities and technical colleges were rich sources of low-cost production, and gave youth an opportunity to participate directly in human rights activities. For example, the Pasadena Art Centre and School of Design, Vevey campus, was considering producing posters and videos in a partner for action arrangement under business or non-profit grants.

47. In addition, partners for action were preparing a week-long human rights film festival in Geneva in connection with the observance of the fiftieth anniversary of the United Nations. The focus would be on racial discrimination and xenophobia. Two award-winning film directors had already agreed to participate in the festival, which would coincide with the Commission's session.

48. She had a number of questions about NGO participation in UNESCO activities connected with human rights. She wished to know, in particular, whether universities with media departments would be invited to participate in its Seminar on Mass Media and whether an E-Mail system would be available for inputs. Referring to paragraph 17 of the Programme of Action, she asked about the source of funding for the production of the teaching materials by UNESCO and whether legally registered NGOs would be included in the process. The expression "national non-governmental organizations" in paragraph 13 was too limiting, as many NGOs interested in participating in the International Day for the Elimination of Racial Discrimination on 21 March were international. She would like to know whether persons with disabilities, especially disabled women and girls, were covered by the UNESCO report (E/CN.4/1994/65), which was not yet available.

49. Lastly, she asked whether the programme budget for the biennium 1994-1995 could be supplied to the NGOs, so that they could plan partners for action projects to assist in its success.

50. Mr. EYA NCHAMA (African Association of Education for Development) said that, despite the readiness of most of the political parties in South Africa to work towards a real democratization of the apartheid regime, many obstacles still remained, and the international community must seek their elimination. In particular, Messrs. Buthelezi and Terre Blanche must be called upon to abandon their goal of conserving the apartheid system. It was strange that those who were against democracy should be armed, whereas those in its favour were not.

51. The efforts to combat racism and racial discrimination should focus on racism within each individual State and on racism as it related to migratory movements. Member States of the United Nations must stop making a distinction between real and second-class citizens, the latter being condemned to remain in the lower ranks of society. Any debate on what was typical of a particular nationality led to the creation of prejudices against other groups. To combat such prejudice, schoolchildren and journalists in particular must be exposed to the international human rights instruments.

52. In 1994, much of the world's population would move from one country to another, whether in search of work or as tourists. Everyone became a foreigner when he travelled to another country. The United Nations should hold a world conference on the phenomenon of migratory movements in an endeavour to seek ways to resolve that global problem. Such a conference might consider the question of visas and immigration quotas, and it might also address bilateral problems, such as whether each of two given countries granted the same number of visas to citizens of the other, allowed entry for study to the same number of students or guaranteed that citizens of the other

country enjoyed the same human rights as their own citizens. The conference might also take up the question of refugees within the context of the many conflicts around the world.

53. The Commission must call upon all States to eradicate prejudice at home by reforming school books and the information media; to recognize discrimination against gypsies and anti-Semitism as forms of racism; to address the question of migratory movements within the global and bilateral contexts; and to instruct the Special Rapporteur on contemporary forms of racism to visit all States in which racial tensions persisted, not least the countries of Western Europe and North America.

54. Mr. GLÉLÉ-AHANHANZO (Special Rapporteur) introducing his report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1994/66), said that, as the discussions in the Commission had shown, racism, racial discrimination and xenophobia were phenomena that occurred in every part of the world. The debate in the Commission had also revealed an interest in the question of anti-Semitism, a phenomenon that must be studied at the same time as such other manifestations of discrimination as ethnic cleansing, national purity, etc.

55. It was important to see what measures were being taken by Governments to combat incidents as and when they occurred and, in that connection, he expressed appreciation to those Governments which had initiated energetic action to remedy current manifestations of racism and xenophobia. Educational measures, in particular, were the key to eliminating intolerance in all its forms.

56. The annex to his report contained a draft questionnaire. Any suggestions and recommendations that participants might wish to make for the improvement of that questionnaire should be forwarded to the Centre for Human Rights. The purpose of the questionnaire was to help achieve a global conspectus of the situation. In that connection, he thanked the non-governmental organizations and delegations for their cooperation. The approach he proposed to adopt was to consider the communications received, send missions to the field and question - with the consent of the relevant Government - the ethnic or social groups or minorities affected by manifestations of intolerance.

57. He also proposed to hold a seminar to produce a better definition of racism. The phenomenon was far from dead, and it was important to analyse what forms it currently took. A practical, methodological and conceptual approach was essential.

58. The Secretariat must be provided with the human resources it needed so that he could carry out his mission. In the past, it had been unable to provide him with adequate support. It was also important for him to receive the active backing of Governments, of the NGOs and of specialized agencies working in the same area, especially UNICEF and UNESCO, so as to avoid duplication of work.

59. At the end of the Third Decade to Combat Racism and Racial Discrimination, a memorial might be erected, as suggested in paragraph 52 of his report, in honour of the victims of racism, racial discrimination, anti-Semitism and xenophobia, and attention might be drawn to the work of the Commission on combating those scourges and creating a spirit of fraternity and understanding.

60. Human rights must be taught not only in the official languages of the United Nations but also in the language of every local population, so that the subject ceased to be the affair of a small minority of the world's inhabitants.

61. Mr. BALANDA (Chairman-Rapporteur of the Ad Hoc Working Group of Experts on southern Africa), summarizing participants' remarks on the Working Group's interim report (E/CN.4/1994/15), said that a number of delegations had rightly stressed the determination on the part of all the parties to the negotiating process in South Africa to forge ahead with reforms.

62. The Working Group welcomed the progress made, and particularly the decision to hold elections in April 1994. It was important that all groups in South Africa should work in that direction, and it was regrettable that the Inkatha Freedom Party and the right-wing South African whites had refused to participate in the electoral process. That posed a threat to the elections, and the international community must exercise pressure to ensure that the vote took place in a peaceful fashion.

63. A number of delegations had focused on the problem of the two so-called "homelands" of Bophuthatswana and Ciskei, whose leaders were reluctant to return to the South African fold. Those leaders must be persuaded of the importance of joining other South Africans in working towards the common goal.

64. There had been agreement that freedom of movement throughout South Africa must be guaranteed so that the election campaign could be held smoothly. Unfortunately, the leaders of the two "homelands" in question had placed obstacles in the path of that basic human right. Emphasis had also been placed on the need to send international observers to monitor the elections; their presence would encourage South Africans to ensure that the elections were democratic.

65. A number of delegations had underscored the importance of promoting South Africa's economic recovery in the wake of the decision by the General Assembly to lift economic sanctions. The international community must provide assistance to the country's young democratic institutions, not least through the appropriate mechanisms of the Centre for Human Rights.

66. Many delegations had referred to the deplorable state of the black population's educational opportunities, as contrasted with the excellent educational system of the white South Africans. If all South Africans were to learn to live together, education must be made available to the entire population.

67. Another critical sector was that of the police. In the past an instrument of repression in the service of apartheid, the police forces must learn to behave in such a way as to win the confidence of the population. Their role must be to protect all citizens, regardless of race, colour or religion.

68. South Africa needed an impartial and independent judiciary. The black population had begun to realize the importance of that issue. Blacks had no faith in the courts which had been dominated by whites, and they still regarded them as an instrument that favoured the whites.

69. Another crucial area was that of housing, which was closely linked to the serious land problem. A new South Africa must undertake careful agrarian reform to correct the inequalities of the past.

70. Delegations had supported the appeal to the Government of South Africa to allow the Working Group to visit that country. It was to be hoped that, by the fifty-first session of the Commission, it would be possible for the Working Group to report on the results of such a visit.

71. The CHAIRMAN said that the Commission had concluded its consideration of items 5, 6 and 14 of the provisional agenda.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT:

(a) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS (item 7 of the provisional agenda) (E/CN.4/1994/17, 18*, 19 and Add.1 and 20; E/CN.4/1993/16; A/CONF.157/PC/73)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (item 8 of the provisional agenda) (E/CN.4/1994/21 and Corr.1-2 and E/CN.4/1994/99*)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (item 15 of the provisional agenda) (E/CN.4/1994/67 and 68; E/C.12/1993/3; CCPR/C/2/Rev.3)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (item 16 of the provisional agenda) (A/CONF.157/PC/62/Add.11/Rev.1 and A/CONF.157/TBB/4 and Add.1)

72. The CHAIRMAN drew the Commission's attention to paragraph 148 of the annotations to the Commission's agenda (E/CN.4/1994/1/Add.1), which referred to document E/CN.4/1994/69 entitled "The updated study of the independent expert on enhancing long-term effectiveness of United Nations human rights treaty bodies". That document would not be available for distribution during the current session of the Commission, which was requested to refer instead to

the interim report prepared by the independent expert on the subject, which had been issued for the World Conference on Human Rights as document A/CONF.157/PC/62/Add.11/Rev.1.

73. Mr. VALENCIA RODRIGUEZ (Independent Expert on the right to own property alone as well as in association with others), introducing his completed final report (E/CN.4/1994/19 and Add.1)) said that, in its resolution 1993/21, the Commission on Human Rights had decided to renew his mandate so that he could complete his report using the observations and comments submitted subsequent to his previous report (E/CN.4/1993/15).

74. On the basis of the information set forth in the five chapters of his final report, he had drawn a number of conclusions. The right to own property was an extremely complex question that touched upon a wide spectrum of activities and relationships with other human rights. The basic right to own property could be regarded as an essential human right and a fundamental freedom; it was regarded as both an individual right and a collective one and was recognized by many States as both a legal institution and a basic right.

75. Most States were committed to the full recognition and protection of all types of property, including private property. However, absolute private ownership of productive property did not exist under any known economic system. Limitations had been imposed by law in the light of the requirements of public utility, security or health.

76. By means of private property, man had sought fulfilment in the framework of a certain liberty and security. Nevertheless, the use of private property had facilitated the concentration of the means of production in the hands of a few and the unlimited accumulation of wealth by a small number. Similarly, concentration of large tracts of land in the hands of privileged groups had produced the phenomenon of the large estate (latifundium).

77. Collective property had to some extent mitigated those drawbacks. Collective property was almost universally accepted and was also recognized as an important factor in the economic and social development of States.

78. According to legislation in the majority of States, no one could be deprived of his or her property except in the case of legally proven public interest, and on the payment of due compensation.

79. The right to housing must be considered as a fundamental human need and its lack must be seen as an injustice. There was a consensus that better access to appropriate housing should be provided for the most vulnerable population groups.

80. The right to own property, if legally and fully protected, had advantages for the entire international community.

81. Among the recommendations contained in the report, he wished to emphasize the following: any mechanism dealing with the right to own property should not be at the expense of the effective functioning of other areas of the human rights system; a clear link should be maintained between the right to own property, the right to adequate housing and other relevant human rights; the

Committee on the Elimination of Racial Discrimination should pay particular attention to measures aimed at preventing discrimination in the matter of the right to own property; the Committee on the Elimination of Discrimination against Women should consider adopting a position on discrimination faced by women with regard to their right to own property; a case law/jurisprudence database should be established; the continuing property rights reforms in ex-socialist States and some developing countries should be supported and assisted; States should declare their commitment to the principle concerning full recognition and protection of all types of property, including private property; and provision of remedies by the local courts, administrative tribunals and other organs should effectively guarantee the right to own property.

82. He would consider his final report to be of value if it contributed in any way to reaffirming or strengthening the right to own property, both individually or collectively, and to promoting the universal protection of and respect for that right.

83. Mr. ENNNACEUR (Chairman-Rapporteur of the Working Group on the Right to Development), introducing the Working Group's report (E/CN.4/1994/21 and Corr.1), said that the Working Group had been mandated by the Commission on Human Rights to identify obstacles to the implementation and realization of the Declaration on the Right to Development, adopted by the General Assembly in 1986, and to recommend ways and means of realizing the right to development.

84. At its first session, the Working Group had taken into account the major international events that had occurred since the adoption of the Declaration and the contributions of various international conferences, including the eighth session of the United Nations Conference on Trade and Development (UNCTAD), the United Nations Conference on Environment and Development (UNCED), and the Vienna Declaration and Programme of Action, had reaffirmed by consensus the right to development as a universal and inalienable right and as an integral part of fundamental human rights.

85. The right to development was a complex concept which included various dimensions of all human rights and highlighted the complementarity of efforts at the national and international level. Development was a global and continuous process, the purpose of which was the constant improvement of the well-being of all individuals, on the basis of their active, free and significant participation in development, and the equitable sharing of its benefits.

86. The Working Group had devoted its early sessions to defining its methodology and to an exchange of views on fundamental concepts. During a second phase, it had heard the views of the international and non-governmental organizations attending its meetings.

87. The Working Group had accorded priority to the issue of popular participation. In accordance with the threefold theme "Democracy-Development-Human Rights", the World Conference on Human Rights had unanimously adopted an approach that should lead to the establishment of a set of minimum rules concerning popular participation. In the same spirit of popular

participation, all individuals needed to become aware of human rights through continuing education and through the promotion of voluntary work in that area.

88. That implied the existence of legal guarantees as well as a climate which promoted respect for human rights, including social dialogue, participation in decision-making, and the acceptance of individual responsibility.

89. With regard to the implementation of the right to development at the international level, the Working Group had placed particular emphasis on Articles 1 and 55 of the United Nations Charter, article 28 of the Universal Declaration of Human Rights and on the so-called international law of cooperation, based on the idea that respect for common values must be ensured through cooperation. Any national action to implement the Declaration on the Right to Development would benefit substantially from international cooperation, especially since the growing economic interdependence of countries was reducing government autonomy in defining national development policies.

90. Effective implementation of the right to development depended on cooperation and consensus. In particular, implementation depended on a wider and better appreciation of the Declaration on the Right to Development; the elaboration of clearer principles for definition and assessment; strengthening of inter-agency cooperation and of cooperation between human rights NGOs and those concerned with development; assessment of the degree to which the right to development was being integrated into development activities; and the creation of a follow-up mechanism.

91. The Working Group had lacked full and up-to-date information on obstacles to the implementation of the right to development. As a preliminary step, it had noted the obstacles set forth in the report of the Secretary-General to the Global Consultation (E/CN.4/1990/9/Rev.1) and the obstacles to the implementation of economic, social and cultural rights set forth in the final report of the Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1992/16).

92. The Working Group had concluded that the Declaration on the Right to Development was little known. While the social aspects of development were well understood, integration of the Declaration as a global process was not adequately discernible in the programmes of international agencies and NGOs. Moreover, the Declaration had been incorporated to a limited extent only into national development programmes and bilateral and multilateral development cooperation projects. It would, therefore, be beneficial for the Declaration to be given wide dissemination and integrated into the policies and programmes of such organizations.

93. All strategies to promote the right to development would benefit from exchanges intended to modify attitudes and behaviour. There was, unfortunately, no model for a global process of development under which all development objectives could be coordinated and harmonized.

94. The Working Group believed that its mandate fell within the framework of the "New Partnership for Development". Its efforts would therefore be increasingly oriented in that direction and, in that connection, it endorsed the recommendations of the General Assembly and the Commission that permanent machinery should be established to follow up the implementation of the Declaration on the Right to Development. Accordingly, the elaboration of objective criteria to assess progress in implementing the Declaration should be among the priorities in the Working Group's future programme of work, which would review efforts at the national and international levels and within the United Nations system, with particular emphasis on improving coordination.

95. He then read out the Working Group's recommendations, contained in paragraphs 107 to 115, which, as the Commission would realize, derived logically from the contents of the report.

96. Mr. van Wulfften Palthe (Netherlands) resumed the Chair.

STATEMENT ON THE HUMAN RIGHTS SITUATION IN THE FORMER YUGOSLAVIA

97. The CHAIRMAN said that he had been asked to make the following statement on behalf of the Commission:

> "The Commission on Human Rights, assembled at its fiftieth session, is shocked by the horrible massacre at the Market Square of Sarajevo on 5 February 1994, which took the lives of 68 civilians and left many more wounded. This deliberate and indiscriminate shelling of the civilian population of Sarajevo is part of a pattern of despicable and outrageous violations of international humanitarian law and of human rights".
>
> "The Commission on Human Rights, assembled at its fiftieth session, having listened to the statement of the Special Rapporteur on the human rights situation in the former Yugoslavia, calls in the strongest possible terms for firm and resolute action to be taken immediately by the international community in order to stop these human rights violations, ethnic cleansing and other genocidal acts, rape and abuse of women, strangulation of Bosnian cities, shelling and killing of civilians; to secure a just and lasting peace in the Republic of Bosnia Herzegovina, and to bring the war criminals to trial."

98. He was requesting the Assistant Secretary-General for Human Rights to transmit that statement as rapidly as possible to the Secretary-General of the United Nations.

The meeting rose at 1.05 p.m.